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10/696,954	10/29/2003	Neil Millani	2002-019	8494

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CARY, NC 27511

EXAMINER

DABNEY, PHYLESHA LARVINIA

ART UNIT	PAPER NUMBER
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2614

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02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/696,954

Applicant(s)

MLLANI, NEIL

Examiner

Phylesha L. Dabney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the application filed 29 October 2003 in which claims 1-23 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims **1-8, and 14-21** are rejected under 35 U.S.C. 102(b) as being anticipated by Sadler (U.S. Patent No. 6,058,319).

Regarding claim 1, Sadler teaches an accessory for a wireless communications device (12) comprising: a first accessory peripheral device (90, microphone or 70, cassette); a system plug (56, 122) that mates with a system connector on the wireless communications device (12); a cord (86, 92; line associated with data port; line associated with CD player) electrically connecting the first accessory peripheral device with the system plug; an auxiliary system connector (52 and/or 100) integrally formed with the cord and configured to connect a second accessory peripheral device (one of either 70 or 90 not previously designated at the 1st device; 106; 130) to the wireless communications device; and a switch (44, 46; 67; fig. 5 with in element

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60 there is a single throw switch and transistor switches) disposed on the auxiliary system connector, and configured to selectively connect the first (90, microphone; or 70, cassette) and second (one of either 70 or 90 not previously designated at the 1st device; 106; 130) peripheral devices to the wireless communications device.

Regarding claim 2, Sadler teaches the accessory of claim 1, wherein the auxiliary system connector is disposed along the cord between the first peripheral device (90, microphone or 70, cassette) and the system plug (56; 122).

Regarding claim 3, Sadler teaches the accessory of claim 1 wherein the auxiliary system connector includes a switch (44, 46; 67; fig. 5 with in element 60 there is a single throw switch and transistor switches) to selectively connect the first and second peripheral devices.

Regarding claim 4, Sadler teaches the accessory of claim 3 wherein the switch connects the wireless communications device to the first peripheral device (90, microphone or 70, cassette) via a first audio-in path in a first position, and to the second peripheral device (one of either 70 or 90 not previously designated at the 1st device; 106; 130) via a second audio-in path in a second position.

Regarding claim 5, Sadler teaches the accessory of claim 3 wherein the switch connects the wireless communications device to the first peripheral device (90, microphone or 70, cassette) via a first audio-out path in a first position, and to the second peripheral device (one of

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either 70 or 90 not previously designated at the 1st device; 106; 130) via a second audio-out path in a second position.

Regarding claim 6, Sadler teaches the accessory of claim 1, wherein the switch (one of either 70 or 90 not previously designated at the 1st device; 106; 130) connects the first peripheral device (90, microphone or 70, cassette) to the wireless communications device via a first path in a first position, and to the second peripheral device (one of either 70 or 90 not previously designated at the 1st device; 106; 130) via a second path in a second position.

Regarding claim 7, Sadler teaches the accessory of claim 1, wherein the switch comprises circuitry to automatically detect the type of peripheral device connected to the auxiliary system connector (col. 3 lines 4 through col. 6 lines 44).

Regarding claim 8, Hsin teaches the accessory of claim 1, wherein the auxiliary system connector further connects a third peripheral device (one of either 70 or 90 not previously designated at the 1st device; 106; 130).

Regarding claim 14, Hsin teaches the accessory of claim 1, further comprising a second auxiliary system connector (52; 100) integrally formed with the cord (86, 92; line associated with data port; line associated with CD player).

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Regarding claims 15-18, they disclose the method corresponding to the apparatus claims 1-3, 6, 8, and 14. The method is inherent in that it simply provides a logical implementation of the structure found in these claims.

Regarding claims 19-21, see the rejection of claims 4 and 5 respectfully.

2. Claims 1-3, 6, 8, 10, 14-18, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsin (U.S. Patent No. 6,626,703).

Regarding claim 1, Hsin teaches an accessory for a wireless communications device comprising: a first accessory peripheral device (50, portable device); a system plug (25) that mates with a system connector on the wireless communications device (60); a cord (15) electrically connecting the first accessory peripheral device with the system plug; an auxiliary system connector (20 as related to 22; 10) integrally formed with the cord and configured to connect a second accessory peripheral device (22-23; 70) to the wireless communications device; and a switch (26-27) disposed on the auxiliary system connector, and configured to selectively connect the first (50) and second (22-23) peripheral devices to the wireless communications device.

Regarding claim 2, Hsin teaches the accessory of claim 1, wherein the auxiliary system connector is disposed along the cord between the first peripheral device (50) and the system plug (25).

Regarding claim 6, Hsin teaches the accessory of claim 1, wherein the switch (26-27) connects the first peripheral device (50) to the wireless communications device via a first path in a first position, and to the second peripheral device (22-23) via a second path in a second position.

Regarding claim 8, Hsin teaches the accessory of claim 1, wherein the auxiliary system connector further connects a third peripheral device (70).

Regarding claim 10, Hsin teaches the accessory of claim 1, wherein one of the first and second peripheral devices is a battery charger (col. 2 lines 49-67).

Regarding claim 14, Hsin teaches the accessory of claim 1, further comprising a second auxiliary system connector (16) integrally formed with the cord (15).

Regarding claims 15-18, they disclose the method corresponding to the apparatus claims 1-3, 6, 8, and 14. The method is inherent in that it simply provides a logical implementation of the structure found in these claims.

Regarding claim 22, Hsin teaches the method of claim 15, further comprising automatically detecting the type of peripheral device (70, charging mode) connected to the auxiliary system plug (col. 2 line 49 through col. 3 line 25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **9-13, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsin or Sadler.

Regarding claim 9-13, Hsin or Sadler does not specifically teach the accessory of claim 1, wherein one of the first and second peripheral devices is a hands-free headset, MP3 player, camera, or flash accessory. However, the Examiner takes official notice that it is known to connect various electronic apparatuses to each other via system connectors for convenience, portability, and etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to attach any electronic apparatus, including an MP3 player, to the wireless device of Hsin for the reasons stated.

4. Claim **23** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsin.

Regarding claim 23, Hsin does not specifically teach the method of claim 22, further comprising controlling signals communicated between the wireless communications device and the first or second peripheral devices responsive to the detected peripheral device type.

However, Hsin does teach the light source being used as a lighting, displaying, or alarming element. And, it is known to use a light source to display alarming/alerting information

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at least during charging or transfer of data between devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the light source of Hsin for the reasons stated above.

Allowable Subject Matter

Claims 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed have been fully considered but they are not persuasive.

With respect to the Applicant's argument that the Hsin does not teach *a switch selectively switching signal paths between the wireless communications device and the peripheral accessory device*, the Examiner disagrees. Since Hsin teaches there is a first switch state (wherein the second peripheral device [70, 22-23] is off) and a second switch state (wherein the second peripheral device [70, 22-23] is on and the portable device [50] is on), then the Examiner contends that the selectively switching between signal paths between the wireless communication device and the peripheral accessory devices is met.

With respect to the Applicant's argument that Hsin LED does not teach a peripheral accessory device, the Examiner disagrees. Since the Applicant stipulates that a device is a peripheral relative to the wireless communication device and the LED is separate relative to the

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wireless device albeit integral with the auxiliary device, it meets the claim simply because it is a peripheral relative to the wireless device as claimed.

Therefore, the rejections are being maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494.

The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Or faxed to:
(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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January 30, 2008

PLB


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